

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
ANSWERS TO FREQUENTLY ASKED QUESTIONS

Computation of Time: Fed R. App. P. 25(a), 26(c)	If ordered by a date certain, the 3-day mailing rule does not apply; if time to file runs “from the date of service,” the 3-day rule applies. Only briefs and appendices are treated as timely filed on the date mailed or delivered to a commercial carrier. Other pleadings must reach the court by the due date.			
WHAT	WHO FILES	WHEN	HOW MANY	REMARKS
Docketing Statement: 10th Cir. R. 3.4	Appellant	10 days after the notice of appeal (may file without appeal docket number).	Original + 4	Must attach the following: district court docket sheet, order or judgment; any post judgment motions and the notice of appeal.
Entry of Appearance and Certificate of Interested Parties: 10th Cir. R. 46.1	Counsel for all parties	10 days from case opening letter.	Original + 3	Must file original and three copies <i>even when</i> no certificate of interested parties is filed.
Transcript Order Form: Fed. R. App. P. 10(b)	Appellant Appellee	10 days from notice of appeal. 10 days from the appellant’s form.	1 to district court 1 to court reporter 1 to 10th Circuit 1 to all parties	Must notify the district court, 10th Circuit, and parties – even if no transcript is ordered.
Designation of Record: 10th Cir. R. 10.2	Court-appointed counsel ONLY	Appellant - 10 days from the notice of appeal.	1 to district court 1 to 10th Circuit 1 to all parties	Must attach the district court docket sheet with the designated documents circled.
Motions: Fed. R. App. P. 27 10th Cir. R. 27	Any party	Varies.	Original + 3; motion to dismiss - orig. + 7; en banc - orig. +18	Must include opposing parties’ position and, if applicable, the custody status, current due date or any previous extensions.
Appellant’s Opening Brief: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32	Appellant with retained counsel Appellant with appointed counsel	40 days from the date district court certifies the record as complete. 40 days from date record is filed in circuit court.	Original + 7 30 pages or 14,000 words or 1,300 lines of text	White or blue cover. Must include: oral argument statement on the front cover (if requested, a reason must be given at conclusion); prior or related appeals; order or judgment appealed. If more than 30 pages, certificate of compliance needed. Size 14 font is preferred, but 13 is acceptable, including footnotes.

Appellee's Response Brief: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32	Appellee	30 days from service of appellant's opening brief.	Original + 7 30 pages or 14,000 words or 1,300 lines of text	White or red cover. Oral argument statement, etc., same as appellant's opening brief. Attach order or judgment if appellant failed to include it in their brief.
Appellant's Reply Brief: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32	Appellant	14 days from service of appellee's response brief.	Original + 7 15 pages or no more than half the type volume of a principal brief	White or gray cover.
Cross Appeals: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32	First Brief	40 days from the date district court certifies the record as complete. (If court-appointed counsel, 40 days from the date the record is filed in the circuit court.)	Original + 7 30 pages or 14,000 words or 1,300 lines of text	Same as appellant's opening brief. (White or blue cover.)
	Second Brief	30 days from service of 1st brief.	Same as above	White or red cover.
	Third Brief	30 days from service of 2nd brief.	Same as above	White, red, or gray cover.
	Fourth Brief	14 days from service of 3rd brief.	Same as reply brief	White or gray cover.
Supplemental Authority: Fed. R. App. P. 28(j)	Any party	Any time after briefing.	Original + 7	Must be drafted in the form of a letter, with a 350 word limitation.
Appendix: Fed. R. App. P. 10, 30 10th Cir. R. 10, 30	Appellant or Appellee	With principal brief. <i>Sealed documents must be filed separately.</i>	2 copies NO originals	If a supplemental appendix is filed with the appellant's reply brief, it must be accompanied by a motion to file.
Addendum: 10th Cir. R. 10.3(D)(5)	Appellant or Appellee	With principal brief.	One copy NO originals	If an appendix is filed, it may be easier to include the exhibits in both copies of the appendix.
Petitions for Rehearing: Fed. R. App. P. 35, 40 10th Cir. R. 35, 40	Any party	14 days from the date of entry of judgment. In a civil appeal where the U.S. is a party, 45 days from entry of judgment.	Original + 3; If en banc, orig. + 18 (no more than 15 pages)	Three-day mailing rule does not apply . A copy of the opinion or OJ must be attached. If en banc, must include Fed. R. App. P. 35(b)(1) statement.

NOTE: All documents must be double-spaced, except for footnotes and quotations containing more than two lines.

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